

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 44 – 57, 59, 62, 64, 66 – 74 are currently pending in this application. Claims 44, 49, 59, and 64 are amended. New claims 73 and 74 are added.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 57 and 72 contain allowable subject matter. New claims 73 and 74 recite similar subject matter.

Claim Rejections – 35 U.S.C. 103

Claims 44-50, 56, 58, 62 and 64 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,141,347 to Shaughnessy (hereinafter Shaughnessy) in view of U.S. Patent No. 6,128,490 to Shaheen et al. (hereinafter Shaheen). Applicants respectfully disagree

Shaughnessy discloses a multicast addressing method for use in a wireless communication system that requires a subscriber unit to send an affiliation message to a base station. (*See Shaughnessy, column 5, line 35 – column 6, line 33.*) The affiliation message contains information that allows the base station to configure a multicast route to allow the subscriber unit to participate in a particular

multicast group. This configuration occurs at a time when the subscriber unit roams into the cell or is powered up for the first time in the cell.

The Examiner admits, on page 2 of the Action, that Shaughnessy fails to disclose *receiving a group indication message via a first one of a plurality of wireless channels*. The Examiner cites to Shaheen at column 3, lines 57 – 63 as disclosing this feature. Applicants respectfully disagree. The cited portion of Shaheen states:

A subscribing unit operating within the service area receives the broadcast message, makes operational decisions and communicates with one of the base stations on a selected frequency band according to a selected communication protocol.

The quoted portion of Shaheen discloses a subscriber unit receiving a message from a first base station for the purpose of determining which of a plurality of different base stations to connect to. Thus, the subscriber unit is necessarily not connected to a single base station according to the disclosed method of Shaheen.

In contrast amended claim 44 recites *receiving a multicast group indication message, from a base station, via a first one of a plurality of wireless channels... [and] to receive the multicast message from the base station*. In other words, the method of claim 44 recites a single *base station*. The purpose of the method disclosed in Shaheen is to determine which base station of a plurality of base stations to connect to. Thus, the combination of Shaughnessy and Shaheen do not teach all the elements of amended claim 44.

Further, the method of Shaheen does not disclose *a multicast group indication message identifying a connection identifier associated with a multicast message, wherein the connection identifier is associated with an indication of a second one of the plurality of wireless channels over which to receive the multicast message*. Shaheen discloses a broadcast message that the subscriber unit uses to select an operating frequency, channel, and protocol. Thus, assuming arguendo that the broadcast message of Shaheen may indicate a second channel, that indication allows the subscriber unit to determine how to connect to the network in the first instance. Thus, it is impossible for the broadcast message to indicate *a second one of the plurality of wireless channels over which to receive the multicast message from the base station* because the claimed *plurality of wireless channels* are associated with the claimed *base station*, not a different base station operating according to a different frequency, channel, and protocol as taught by Shaheen.

Additionally, the disclosed method of Shaughnessy requires the subscriber unit to transmit an affiliation message rather than receiving it. As a result, there is no teaching or suggestion in Shaughnessy to lead one skilled in the art to modify a method requiring the transmission of an affiliation message to incorporate the teachings of Shaheen to arrive at the method of claim 44.

Claims 45-48 depend on claim 44 and are allowable over the cited references for the same reasons as provided above. Specifically, claim 47 recites *wherein the*

second one of the plurality of wireless channels is a dedicated channel. The Action cites to Shaughnessy, column 4, lines 13 – 18 as teaching this. Applicants respectfully disagree. The cited section of Shaughnessy does not reveal any teaching of a second channel, much less a dedicated channel. Additionally, Shaheen does not teach the use of *a second one of the plurality of wireless channels over which to receive the multicast message from the base station...wherein the second one of the plurality of wireless channels is a dedicated channel.* Thus, the combination of Shaughnessy and Shaheen do not teach all the limitations of claim 47.

Independent claims 49, 59, and 64 recite similar limitations are allowable over the cited references for the same reasons provided above.

Claims 51-54, 66-68, 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaughnessy in view of Shaheen and in further view of U.S. Patent No. 5,361,256 to Doeringer et al. (hereinafter Doeringer). These claims depend on independent claims 49, 59, and 64 and are therefore allowable over the cited references for the reasons provided above.

Claims 55, 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaughnessy in view of Shaheen in view of Doeringer and in further view of U.S. Patent 6,477,149 to Okanoue (hereinafter Okanoue). These claims depend on claims 49 and 64 and are therefore allowable over the cited references for the reasons provided above.

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Application No.: 09/630,024

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants submit that the present application is in condition for allowance and a notice to that effect is requested.

Respectfully submitted,

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